

PATENT COOPERATION TREATY
PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference P-2004-006WO	FOR FURTHER ACTION <small>see Form PCT/ISA/220 as well as, where applicable, item 5 below.</small>	
International application No. PCT/EP2005/051170	International filing date (day/month/year) 15/03/2005	(Earliest) Priority Date (day/month/year) 25/03/2004
Applicant OTICON A/S		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 3 sheets.

It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

- a. With regard to the language, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

The international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

- b. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, see Box No. I.

2. Certain claims were found unsearchable (See Box II).

3. Unity of invention is lacking (see Box III).

4. With regard to the title,

the text is approved as submitted by the applicant.

the text has been established by this Authority to read as follows:

5. With regard to the abstract,

the text is approved as submitted by the applicant.

the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. With regard to the drawings,

- a. the figure of the drawings to be published with the abstract is Figure No. 1.

as suggested by the applicant.

as selected by this Authority, because the applicant failed to suggest a figure.

as selected by this Authority, because this figure better characterizes the invention.

- b. none of the figures is to be published with the abstract.

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/SA/220

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/SA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/SA/220

FOR FURTHER ACTION

See paragraph 2 below

International application No.
PCT/EP2005/051170

International filing date (day/month/year)
15.03.2005

Priority date (day/month/year)
25.03.2004

International Patent Classification (IPC) or both national classification and IPC
H04R25/00

Applicant
OTICON A/S

1. This opinion contains indications relating to the following items:

- Box No. I Basis of the opinion
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/SA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/SA/220.

3. For further details, see notes to Form PCT/SA/220.

Name and mailing address of the ISA:



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Box No. I Basis of the opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - a sequence listing
 - table(s) related to the sequence listing
 - b. format of material:
 - in written format
 - in computer readable form
 - c. time of filing/furnishing:
 - contained in the international application as filed.
 - filed together with the international application in computer readable form.
 - furnished subsequently to this Authority for the purposes of search.
3. In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/EP2005/051170

**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or
industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N) Yes: Claims 4,5
 No: Claims 1-3, 6-9

Inventive step (IS) Yes: Claims
 No: Claims 1-9

Industrial applicability (IA) Yes: Claims 1-9
 No: Claims

2. Citations and explanations

see separate sheet

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
AUTHORITY (SEPARATE SHEET)**

PCT/EP2005/051170

3.2 Document D1 also discloses the additional features of dependent claims 2, 3, 6-9:

- referring to claim 2, see figure 1
- referring to claim 3, see acoustical resistor 138
- referring to claim 6, see faceplate 104 (on figure 1, faceplate 104 covers the face with the opening entirely, and the middle part of the inlet structure, in between the 2 ports referenced 108 and 110, is shaped to encompass a minor part of said face)
 - referring to claims 7 and 9, see figure 1, where gasket 122 has sufficient thickness to provide packing in an axial direction in relation to the sound duct.
 - referring to claim 8, see figure 1, where gasket 122 extends around microphone openings (132, 134, 136), therefore providing packing in a radial direction in relation to the sound duct.

3.3 Dependent claims 4 and 5 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of inventive step.

The resilient rim along the gasket area of claim 4 comes within the scope of customary practice followed by persons skilled in the art, especially as the advantages thus achieved can readily be foreseen. See for example D2, where O-rings (341, 342) made of resilient material are provided between acoustical dampers and assembly portion. The two adjacent parts of the sound duct are disclosed by figure 1 of document D1.

The use of cement as sealing in claim 5 is a standard design option (see for example D2 and the corresponding passage cited in the search report). The use of adhesive foil is an equivalent to the feature of cement of document D2 and can be interchanged with that feature where circumstances make it desirable.